

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Donald Andrews, #10720-036,	)	
	)	Civil Action No. 6:09-587-MBS-WMC
Petitioner,	)	
	)	<b><u>REPORT OF MAGISTRATE JUDGE</u></b>
vs.	)	
	)	
Mary Mitchell, Warden,	)	
	)	
Respondent.	)	
_____	)	

The petitioner, a federal prisoner proceeding *pro se*, seeks relief pursuant to Title 28, United States Code, Section 2241. This matter is before the court on motion of the petitioner to dismiss.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(c), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 28, United States Code, Section 2241, and submit findings and recommendations to the District Court.

In his petition for relief, the petitioner sought admission into the Residential Drug Abuse Program (RDAP) at the Bureau of Prisons no later than August 20, 2009. In his motion filed April 30, 2009, the petitioner states that the "Federal Bureau of Prisons (BOP) has conceded to admit me into the 500 hour Residential Drug Abuse Program ... Thus, there is no case in controversy."

Based on the foregoing, it is recommended that the petitioner's motion be granted and this action be dismissed without prejudice.

April 30, 2009  
Greenville, South Carolina

s/William M. Catoe  
United States Magistrate Judge